

REMARKS

The Examiner is thanked for the thorough examination of the present application. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1-9 and 14-18 are pending. More specifically, claim 1 is amended and claims 10-13 are cancelled without prejudice, waiver, or disclaimer. Applicant reserves the right to pursue the subject matter of this canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

The Office Action rejects claims 1, 2, 4, 5, 9, 14 and 18 under 35 U.S.C. §102(b) as allegedly being anticipated by *Toshiro* (Japanese Patent Publication 02039086). The Office Action rejects claims 3, 6-8 and 17 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Toshiro*.

II. Rejections Under 35 U.S.C. §102(b)

A. Claims 1, 2, 4, 5, 9, 14 and 18

The Office Action rejects claims 1, 2, 4, 5, 9, 14 and 18 under 35 U.S.C. §102(b) as allegedly being anticipated by *Toshiro* (Japanese Patent Publication 02039086). For at least the reasons set forth below, Applicant respectfully traverses the rejection to the extent not rendered moot by amendment.

Independent claim 1 recites:

1. A colour display device comprising:
a first display substrate and a second display substrate, said substrates being spaced apart and opposed to each other;
a layer of an electro-optic material between the substrates;

a set of first electrodes on an inner surface of the first display substrate and a set of second electrodes on an inner surface of the second display substrate, the first electrodes overlapping the second electrodes to define pixels for selectively applying an electric field across at least some of said electro-optic material, ***the first electrodes arranged substantially orthogonally relative to the second electrodes***;

a set of first colour filters on the first display substrate, each of said electrodes being in register with one of said first colour filters; and

a set of second colour filters on the second display substrate, each of said second electrodes being in register with one of said second colour filters;

whereby the colour of light transmitted through a pixel is determined by the light transmitted by both the first colour filter and the second colour filter that intersect at that pixel.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully asserts that the cited art fails to disclose a set of first electrodes and a set of second electrodes disposed on opposing substrates that are arranged ***substantially orthogonally in relation to one another***. In contrast, *Toshiro* fails to mention or discuss the arrangement of its transparent electrodes 3 and 4 in relation to one another. As noted in the instant specification, the set of first electrodes and second electrodes are aligned substantially orthogonally so that the colour of light transmitted through a location where two colour filters overlap is determined by the light transmitted by both of the filters.

Therefore, *Toshiro* does not anticipate independent claim 1, and the rejection should be withdrawn for at least that reason. For at least the reason that independent claim 1, as amended, is allowable over the cited references of record, dependent claims 2-9 and 17-18 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-9 and 17-18 contain all the features of independent claim 1.

See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002); *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 2-9 and 17-18 are patentable over *Toshiro*, the rejection of dependent claims 2-9 and 17-18 should be withdrawn and the claims allowed.

Independent claim 14 recites:

14. A colour display device comprising:
first and second spaced apart display substrates enclosing a layer of an electro-optic material,
an inner surface of each substrate being provided with a plurality of elongate parallel electrodes and a plurality of elongate parallel colour filters, each filter being in register with an electrode; ***wherein the electrodes on one of the inner surfaces are aligned substantially orthogonally to those on the other inner surface so that the colour of light transmitted through a location where two colour filters overlap is determined by the light transmitted by both of the filters.***

(Emphasis added).

Applicant respectfully submits that independent claim 14 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully asserts that the cited art fails to disclose a set of first electrodes and a set of second electrodes disposed on opposing substrates that are arranged ***substantially orthogonally in relation to one another***. In contrast, *Toshiro* fails to mention or discuss the arrangement of its transparent electrodes 3 and 4 in relation to one another. As noted in the instant specification, the set of first electrodes and second electrodes are aligned substantially orthogonally so that the colour of light transmitted through a location where two colour filters overlap is

determined by the light transmitted by both of the filters. Therefore, *Toshiro* does not anticipate independent claim 14, and the rejection should be withdrawn for at least that reason.

Independent claim 15 recites:

15. A colour liquid crystal display device comprising:
first and second spaced apart display substrates enclosing a layer of a liquid crystal material, an inner surface of each substrate being provided with a plurality of elongate parallel electrodes each of which is in register with an elongate colour filter of substantially the same size and shape as the electrode with which it is registered and is provided on the same substrate;
the electrodes on one of the inner surfaces being aligned substantially orthogonally to those on the other inner surface so that the colour of light transmitted through a location where two colour filters overlap is determined by the light transmitted by both of the filters;
the device including a backlight located adjacent to an outer surface of the second display substrate, and the colour filters on the second display substrate being reflective colour filters.

(Emphasis added).

Applicant respectfully submits that independent claim 15 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully asserts that the cited art fails to disclose a set of first electrodes and a set of second electrodes disposed on opposing substrates that are arranged ***substantially orthogonally in relation to one another***. In contrast, *Toshiro* fails to mention or discuss the arrangement of its transparent electrodes 3 and 4 in relation to one another. As noted in the instant specification, the set of first electrodes and second electrodes are aligned substantially orthogonally so that the colour of light transmitted through a location where two colour filters overlap is determined by the light transmitted by both of the filters. Therefore, *Toshiro* does not anticipate independent claim 15, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 15 is allowable over the cited references of record, dependent claim 16 (which depends from independent claim 15) is allowable as a matter of law for at least the reason that dependent claim 16 contains all the features of independent claim 15. Therefore, since dependent claim 16 is patentable over *Toshiro*, the rejection of dependent claim 16 should be withdrawn and the claim allowed.

VI. Rejections Under 35 U.S.C. §103(a)

A. Claims 3, 6-8 and 17

The Office Action rejects claims 3, 6-8 and 17 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Toshiro*. For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claims 3, 6-8 and 17 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 3, 6-8 and 17 contain all the features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection of claims 3, 6-8 and 17 should be withdrawn and the claims allowed.

In addition, the Office Action acknowledges that the cited art fails to disclose, teach or suggest the elements of claim 6 and 7. However, the Office Action alleges with regard to claim 6 that the use of reflective filters is well known in the art. With regard to claim 7, the Office Action alleges that the use of absorbing filters is well known in the art. Applicants respectfully disagree. As noted in the specification of the instant application, reflective filters are incorporated adjacent to the second substrate as required by claim 6 to improve the operating efficiency of the display by reflecting unwanted light back into the backlight assembly. Absorbing filters incorporated adjacent to the first substrate as required by claim 7 reduce reflection of ambient light back to the viewer. Applicants respectfully assert that the

combination of reflective and absorbing filters in relation to the respective substrates required by claims 6 and 7 is too complex to be considered well known in the art.

VII. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/arr/
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